

To: Burke, Marcella[burke.marcella@epa.gov]; White, Elizabeth[white.elizabeth@epa.gov]; Gottesman, Larry[Gottesman.Larry@epa.gov]; Miller, Kevin[Miller.Kevin@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Bailey, KevinJ[Bailey.KevinJ@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Bigioni, Neil[bigioni.neil@epa.gov]
From: Walker, Denise
Sent: Wed 4/25/2018 1:16:06 PM
Subject: Piece on EPA FOIA in latest Access Report
[Acc6 2018 email.pdf](#)
[ATT00001.htm](#)

Except from this *Access Report* (full article attached)

The EPA and the Department of the Interior, the two cabinet-level agencies that have primary responsibility for implementing and overseeing environmental policy, have seen their number of requests and suits skyrocket since the Trump administration began. Using **EPA's** annual report, POLITICO reported that **the EPA** received 11,431 requests in 2017, a 16 percent increase from the last year of the Obama administration. TRAC's FOIA Project reported that **the EPA** had been sued 55 times since Trump took office, compared to 11 suits filed in the last year of the Obama administration, which marked an ebb for the agency from higher levels in previous years, including 28 suits in 2015.

Further, based on an analysis of requests by the Project on Government Oversight conducted for POLITICO, the **office of Administrator Scott Pruitt** received 1,181 requests, more than five times the number of requests the office received in the last year of the Obama administration. POGO's analysis revealed that **Pruitt's office** had closed only 17 percent of the requests it received, although the agency overall closed 79 percent of its requests while its Washington headquarters closed 57 percent.

Beyond the intense interest in records about the environmental policies of the Trump administration itself, the number of requests has also risen because of an inability to obtain timely, reliable, and complete data about how officials like **Pruitt**, Interior Secretary Ryan Zinke, and other political appointees are spending their time, including frequently unannounced appearances with outside groups. While FOIA itself is limited to records in existence at the time the request is received, meaning that if such information has not been memorialized, it is not subject to FOIA disclosure, daily schedules of agency heads are considered quintessential public records by open government advocates and previous administrations have usually made such records publicly available in advance.

While no other agency seems to be subject to such a presidential decree, **Pruitt** and Zinke have capitalized on the backlogs at **the EPA** and Interior to prioritize responding to requests made during the Obama administration rather than those made in the present administration. Backlogs

are a serious unintended consequence of the FOIA process and agencies should be applauded for efforts to reduce or eliminate them, but not at the expense of responding to current requests.

From: Turley, Jennifer
Sent: Tuesday, April 24, 2018 3:02 PM
To: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>; OGC GLO ILPG
<OGC_GLO_ILPG@epa.gov>
Subject: Access Reports, Mar. 21, 2018

Attached is a copy of Access Reports, Mar. 21, 2018.

Thanks.

Harry Hammitt

Access Reports